

# **EXHIBIT 1**

## DECLARATION OF JONAH J. HORWITZ

I, Jonah J. Horwitz, mindful of the penalties of perjury, declare as follows:

1. I am a person over eighteen years of age and competent to testify.
2. For more than ten years, I have been an attorney in the Capital Habeas Unit (CHU) for Federal Defender Services of Idaho.
3. Currently, I am the Deputy Chief of the CHU.
4. Since the case's inception, I have served as lead counsel for the plaintiff in *Pizzuto v. Tewalt*, D. Idaho, No. 1:21-cv-359 (hereinafter "the Idaho case").
5. In that capacity, I have also taken the lead in communicating with the Tennessee Department of Correction (TDOC) on behalf of Mr. Pizzuto in connection with the subpoena at issue here.
6. I have received no records from TDOC in response to the subpoena.
7. TDOC has not provided a privilege log in response to the subpoena.
8. As lead counsel for Mr. Pizzuto in the Idaho case, all discovery from the defendants in those proceedings is sent to me.
9. The discovery from the Idaho case attached to today's response to the motion to quash (Exs. 3, 6, 16) are all true and correct copies, except that the second purchase order in Exhibit 6 was obtained from a newspaper article rather than through discovery.
10. Exhibit 7 to the response to the motion to quash is a true and correct copy of a document provided to me by the Indiana Attorney General's Office in connection with a subpoena that I served on that state's department of correction seeking information about its pentobarbital.
11. To the best of my knowledge, the other documents attached to the response to the motion to quash are all true and correct copies of what they purport to be.
12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of March 2025, at Boise, Idaho.

/s/ Jonah J. Horwitz  
Jonah J. Horwitz